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NEWS RELEASE

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Summary of Cases Accepted During the Week of March 19, 2012

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#12-29 *Bourhis v. Lord*, S199887. (A133177; nonpublished opinion; Marin County Superior Court; CIV060796.) Petition for review after the Court of Appeal denied a motion to dismiss an appeal in a civil action.

#12-30 *Bourhis v. Lord*, S199889. (A132136; nonpublished opinion; Marin County Superior Court; CIV060796.) Petition for review after the Court of Appeal denied a motion to dismiss an appeal in a civil action.

These two cases present the following issue: If a corporation's corporate status is suspended due to nonpayment of taxes at the time it files a notice of appeal, can the appeal proceed if the corporation thereafter revives its status even if it does not do so until the time for filing the notice of appeal has expired?

#12-31 *Estate of Duke*, S199435. (B227954; 201 Cal.App.4th 599; Los Angeles County Superior Court; BP108971.) Petition for review after the Court of Appeal affirmed the judgment in a probate proceeding. This case presents the following issue: Should the "four corners" rule (see *Estate of Barnes* (1965) 63 Cal.2d 580) be reconsidered in order to permit drafting errors in a will to be reformed consistent with clear and convincing extrinsic evidence of the decedent's intent?

#12-32 *People v. Martinez*, S199495. (H036687; nonpublished opinion; Santa Clara County Superior Court; 156569.) Petition for review after the Court of Appeal affirmed an order denying a motion to vacate a

judgment of conviction of criminal offenses. This case presents the following issues:

- (1) Did the trial court abuse its discretion in denying defendant's motion to withdraw his 1992 guilty plea based on the failure of the trial court at the time of the plea to advise him of the immigration consequences of his plea, as mandated by Penal Code section 1016.5?
- (2) In ruling on such a motion, should a court consider in addition to the defendant's prospects at trial, factors such as the possibility that had the defendant been properly warned, he might have obtained an immigration-neutral disposition or might have preferred his chances at trial over the certainty of deportation if he entered the plea?

#12-33 *Sanchez v. Valencia Holding Co. LLC, S199119*. (B228027; 201 Cal.App.4th 74; Los Angeles County Superior Court; BC433634.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. This case includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. ___, 131 S.Ct. 1740, preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

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